

Summary of Changes

Indiana Administrative Code 410, Chapter 32

The following changes were made to 410 IAC 32-1-10

Deleted "Interim controls are defined by the U.S. Department of Housing and Urban Development (HUD) in 24 CFR 35.110*, Lead-based paint poisoning and prevention in certain residential structures; definitions.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana State Department of Health, Indiana Lead and Healthy Homes Program, Fifth Floor, 2 North Meridian Street, Indianapolis, Indiana 46204."

It should now read:

Sec. 10. "Clearance examination" means an activity conducted by an Indiana licensed clearance examiner for the purpose of establishing proper completion of interim controls.

The following changes were made to 410 IAC 32-1-28:

Added "other horizontal surfaces" to (b) (1)

It should now read"

Sec. 28. (a) "Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding forty (40) micrograms per square foot on floors and other horizontal surfaces, two hundred fifty (250) micrograms per square foot on interior window sills, and four hundred (400) micrograms per square foot for window troughs based on wipe samples.

(b) A dust-lead hazard is present in a residential dwelling or child-occupied facility: (1) in a residential dwelling on floors, interior window sills and other horizontal surfaces when the weighted arithmetic mean lead loading for all single surface or composite samples of floors, interior window sills and other horizontal surfaces are equal to or greater than forty (40) micrograms per square foot for floors, two hundred fifty (250) micrograms per square foot for interior window sills, and four hundred (400) micrograms per square foot for window troughs; (2) on floors and interior window sills, in an unsampled residential dwelling in a multifamily dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one (1) sampled residential unit on the property; and (3) on floors and interior window sills in an unsampled common area in a multifamily dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one (1) sampled common area in the same common area group on the property.

The following changes were made to 410 IAC 32-1-28.5

Deleted "rehabilitation that disturbs painted surfaces and maintenance activities required under HUD's regulation to address lead hazards"

Added "and renovation, repair or painting activities subject to 40 CFR 745 Subpart E"

The definition now reads:

Sec 28.5. "Dust sampling technician means a person licensed by the department to conduct dust sampling. A dust sampling technician can conduct sampling activities after interim control activities, and renovation, repair or

painting activities subject to 40 CFR 745 Subpart E. A dust sampling technician is not permitted to conduct clearance after abatement activities.

The following changes were made to 410 IAC 32-1-43:

Deleted "(9) interim controls"

It should now read:

Sec. 43. "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including the following:

- (1) Specialized cleaning.
- (2) Repairs.
- (3) Maintenance.
- (4) Painting.
- (5) Clearance.
- (6) Temporary containment.
- (7) Ongoing monitoring of lead-based paint hazards or potential hazards.
- (8) The establishment and operation of management and resident education programs.

The following changes were made to 410 IAC 32-1-47:

The following sentence was added: "Lead-based paint activities do not include work being completed under the Environmental Protection Agency's Renovation, Repair and Painting (RRP) Rule. "

It should now read:

Sec. 47. "Lead-based paint activities" means the inspection, risk assessment, and remediation of lead-based paint in target housing and child-occupied facilities. The term includes interim controls, abatement and clearance examination. Lead-based paint activities do not include work being completed under the Environmental Protection Agency's Renovation, Repair and Painting (RRP) Rule.

The following changes were made to 410 IAC 32-1-52.5:

Inspection changed to building examination

It should now read:

Sec. 52.5. "Maintenance activities" means any activity performed on a child-occupied facility or target housing unit that is part of a routine building examination or subsequent to the findings of a routine building examination.

The following changes were made to 410 IAC 32-1-60.5:

Changed the term "post-remediation report" to "post-abatement report"

Added "if applicable" to (4)

410 IAC 32-1-60.5 now reads:

Sec. 60.5. "Post-abatement report" means the report that a licensed lead supervisor or a lead-based paint activities contractor submits to the department following the completion of an abatement project. The post-abatement report must contain the following information:

- (1) Start and completion dates of abatement.

- (2) The name and address of each licensed lead supervisor or lead-based paint activities contractor conducting the abatement and the name of each supervisor assigned to the abatement project.
- (3) The occupant protection plan.
- (4) A copy of the risk assessment that was conducted for the remediation project, if applicable.
- (5) The name, address, and signature of each licensed risk assessor, inspector, clearance examiner, or sampling technician conducting clearance sampling and the date of clearance testing.
- (6) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses.
- (7) A detailed written description of the abatement, including the following:
 - (A) Abatement methods used.
 - (B) Locations of rooms and components where abatement occurred.
 - (C) The reason for selecting particular abatement methods for each component.
 - (D) Any suggested monitoring of encapsulants or enclosures.

The following changes were made to 410 IAC 32-1-84.5:

Deleted the sentence "If the levels are equal to or greater than 15 parts per billion, the department may require remediation methods that include but are not limited to the following:

- (1) Corrosion control treatment.
- (2) Source water treatment.
- (3) Public education.
- (4) Lead service line replacement.

It should now read:

Sec. 84.5. "Water-lead hazard" means potable water on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding fifteen (15) parts per billion.

The following changes were made to 410 IAC 32-2-3:

Added "dust sampling technician" to (3)(a).

Deleted (3)(B) "Bachelor's degree, some experience and participation in a mentoring program approved by the department".

It should now read:

410 IAC 32-2-3 now reads: Sec. 3. (a) To become licensed by the department as an inspector, risk assessor, project designer, supervisor, worker, clearance examiner or dust sampling technician, the applicant must do the following:

- (1) Successfully complete an approved lead-based paint course in the appropriate discipline and receive a certificate of training from an approved course provider.
 - (2) Have attended an Indiana approved lead-based paint two (2) hour rules awareness course within twelve (12) months prior to making license application, if the approved lead-based paint course in subdivision (1) is not an Indiana-approved course.
 - (3) Meet or exceed the experience and education requirements for each desired discipline as listed in subsection (b).
 - (4) For inspector, risk assessor, project designers, and supervisor applicants, pass the third-party examination in the appropriate discipline.
 - (5) Notwithstanding subdivisions (1) through (4), an applicant may follow the reciprocity provisions in section 6.5 of this rule.
- (b) At a minimum, the following experience, education requirements, and course work must be fulfilled for each desired discipline:
- (1) Worker and clearance examiner applicants must comply with subsection (a)(1) and (a)(2).
 - (2) Inspector applicants shall have a high school diploma or general equivalency diploma (GED).
 - (3) Risk

assessor applicants shall take and pass the inspector and risk assessor courses and pass all required examinations, including third-party examinations. Applicants must meet any one (1) of the following combinations of education and experience: (A) Bachelor's degree and one (1) year of experience. (B) Associate's degree and two (2) years of experience. (C) A high school diploma or GED and three (3) years of experience. Required experience must be in a related field, including lead, asbestos, environmental remediation work, or construction.

The following changes were made to 410 IAC 32-4-1:

Deleted "(6) interim controls"

It should now read:

Sec. 1. (a) This rule contains procedures and requirements for work practice standards for conducting lead-based paint activities. Any licensed person or company performing the following activities shall comply with the appropriate work practices as outlined in this rule:

- (1) Inspection.
- (2) Lead-hazard screening.
- (3) Risk assessment.
- (4) Abatement.
- (5) Project designer.

(b) A political subdivision or a state agency may not accept a bid for a lead-based activities project from a person that does not hold a lead-based paint activities license.

The following changes were made to 410 IAC 32-4-9:

All references in this section referring to a remediation project were changed back to an abatement project.

- (1) a remediation changed to an abatement
- (3) remediation changed to abatement
- (5) remediation changed to abatement
- (6) remediation changed to abatement
- (6)(A) a remediation changed to an abatement, remediated and non-remediated changed to abated and unabated
- (6)(B) a remediation changed to an abatement
- (6)(C) remediation changed to abatement
- (6)(C)(i) remediated changed to abated
- (6)(C)(ii) remediated changed to abated

It should now read:

Sec. 9. The following post-abatement final visual clearance procedures shall be performed only by a licensed inspector or risk assessor:

- (1) Following an abatement activity and prior to removal of warning signs or other demarcation, a visual inspection shall be completed by an Indiana licensed inspector or risk assessor to determine if deteriorated, painted surfaces or visible amounts of dust, debris, or residue are still present.
- (2) If deteriorated painted surfaces or visible amounts of dust debris or residue are present, they must be wet wiped or HEPA vacuumed until such conditions are eliminated prior to the continuation of the clearance procedures.
- (3) Following the visual inspection and any post-abatement cleanup required in this rule, clearance sampling for lead-contaminated dust shall be conducted by employing single-surface sampling or composite sampling techniques.

(4) Dust samples on surfaces for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.

(5) Dust samples for clearance purposes shall be taken within a minimum of one (1) hour following completion of final post-abatement clean-up activities.

(6) The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the target housing or child-occupied facility:

(A) After conducting an abatement with containment between abated and unabated areas: (i) one (1) dust sample shall be taken from one (1) interior window sill and from one (1) window trough, if present; (ii) one (1) dust sample shall be taken from the floors of each of no less than four (4) rooms, hallways, or stairwells within the containment area; and (iii) one (1) dust sample shall be taken from the floor outside the containment area. If there are fewer than four (4) rooms, hallways, or stairwells within the containment area, then all rooms, hallways, or stairwells shall be sampled.

(B) After conducting an abatement with no containment: (i) two (2) dust samples shall be taken from each of no fewer than four (4) rooms, hallways, or stairwells in the target housing or child-occupied facility; (ii) one (1) dust sample shall be taken from one (1) interior window sill and one (1) window trough, if present; and (iii) one (1) dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are fewer than four (4) rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled.

(C) Following an exterior paint abatement, a visual inspection shall be conducted as follows: (i) All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be clean of visible dust and debris. (ii) A visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. (iii) If paint chips are present, the chips shall be removed from the site and properly disposed of according to all applicable federal, state, and local requirements.

(D) The rooms, hallways, or stairwells selected for sampling shall be selected according to documented methodologies.

(E) The licensed inspector or risk assessor shall compare the residual lead level, as determined by the laboratory analysis, from each single surface dust sample with applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level: (i) in a single surface dust sample equals or exceeds the applicable clearance levels; or (ii) in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample; then the sample is a failed sample. All the components represented by the failed sample shall be recleaned and retested until clearance levels are met.

(F) The clearance levels for lead in dust are as follows: (i) Forty (40) micrograms per square foot for floors. (ii) Two hundred fifty (250) micrograms per square foot for interior window sills. (iii) Four hundred (400) micrograms per square foot for window troughs.

The following changes were made to 410 IAC 32-4-10:

All references in this section referring to remediation were changed back to abatement.

(1) remediate changed to abate

It should now read:

Sec. 10. Clearance sampling under section 9 of this rule shall be conducted as follows:

(1) The licensed individuals who abate or clean the dwellings do not know which dwelling will be selected for the random sample.

(2) A sufficient number of dwellings are selected for dust sampling to provide a ninety-five percent (95%) level of confidence that not more than five percent (5%) or fifty (50) of the dwellings, whichever is smaller, in the randomly sampled population exceed the appropriate clearance levels.

(3) The randomly selected dwellings shall be sampled and evaluated for clearance according to the procedures found in this section.

(4) A post-abatement report shall be prepared by a licensed supervisor or project designer. The post-abatement report shall include the following information: (A) Start and completion dates of abatement. (B) The name and address of each licensed contractor conducting the abatement and the name of each supervisor assigned to the abatement project. (C) The occupant protection plan. (D) A copy of the risk assessment that was conducted for the remediation project, if applicable. (E) The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing. (F) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses. (G) A detailed written description of the abatement, including abatement methods used, locations of rooms and components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.

The following changes were made to the title of 410 IAC 32-4-11:

Remediation was changed back to abatement.

It should now read:

410 IAC 32-4-11 Lead-based paint abatement disposal procedures

The following changes were made to 410 IAC 32-4-13:

All references in this section referring to remediation were changed back to abatement.

- (a) remediation changed to abatement
- (c) remediation changed to abatement
- (e) remediation changed to lead-based paint activities
- (e)(1)(A) remediation changed to lead-based paint activities
- (e)(3) remediation changed to lead-based paint activities
- (e)(5) remediation changed to lead-based paint activities
- (e)(6) remediation changed to lead-based paint activities
- (e)(7) remediation changed to lead-based paint activities
- (e)(8) remediation changed to lead-based paint
- (e)(8)(B) remediation changed to lead-based paint
- (e)(8)(C) remediation changed to lead-based paint activities

It should now read:

410 IAC 32-4-13 Record keeping

Sec. 13. (a) All reports or plans required in this rule shall be completed not later than thirty (30) calendar days from the completion of the abatement project.

(b) All reports and plans shall be maintained for no fewer than three (3) years by the licensed person or contractor who prepared the report.

(c) The licensed person or contractor shall provide copies of these reports to the building owner who contracted for services not later than thirty (30) calendar days from the completion of the abatement project.

(d) The licensed person or contractor shall make reports available to the department within five (5) days.

(e) A lead-based paint activities contractor licensed under this rule shall compile records concerning each lead-based paint activities project performed by the lead-based paint activities contractor. The records shall include the following information on each lead-based paint activities project: (1) The name, address, and proof of license of: (A) the person who conducted or supervised the lead-based paint activities project; and (B) each employee or agent of the contractor that worked on the project. (2) The name, address, and signature of each licensed risk assessor or inspector conducting clearance sampling and the date of clearance testing. (3) The site of the lead-based paint activities project. (4) A copy of the risk assessment conducted for the remediation project. (5) A description of the lead based paint activities project. (6) The date on which the lead-based paint activities project was started and the date on which the lead-based paint activities project was completed. (7) A summary of procedures that were used in the project to comply with applicable federal, state, and local standards for lead-based paint activities projects. (8) A detailed written description of the lead-based paint activities, including the following: (A) Methods used. (B) Locations of rooms or components where lead-based paint activities occurred. (C) Reasons for selecting particular lead-based paint activities methods for each component. (D) Any suggested monitoring of encapsulants or enclosures. (9) The occupant protection plan. (10) The results of clearance testing and all soil analysis and the name of each federally-approved laboratory that conducted the analysis.